

REMARKS

Applicant thanks the Office for the attention accorded the present Application in the March 01, 2004, Office Action. In that Action, Claims 10 and 11 were rejected under 35 USC §102(b) as being anticipated by Saebi (U.S. Patent Number 6,985,832), Claim 12 was rejected under 35 USC §103(a) as being unpatentable over Aschauer (U.S. Patent Number 1,353,702) in view of Saebi, and Claims 1-9, 13 and 14 were allowed.

Applicant has amended paragraphs [0041-0046] and Figures 2, 3, 6, and 14 to correct either incorrect or missing reference numbers or to further clarify the various components being discussed. Specifically, reference number 19 in Fig. 2 was changed to reference number 22 since reference number 19 was used in Figs. 11A and 11B. Reference number 46 in Fig. 3 was changed to reference number 47 to be consistent with the similar panel referenced in Fig. 10. Reference number 59' was added to Fig. 6 to denote the floor/roof slab after the liquid concrete 60 was poured and hardened. Reference number 111 described in paragraph [0052] as a beam cavity was added to Fig. 14 to denote the referenced cavity. No new matter has been added.

Applicant has amended Claim 1, which was allowed, by deleting the words "and said roof" since there was lack of antecedent basis for the term "roof." Additionally, where the second to last paragraph claims one or more pre-cast GRC floor panels disposed over the enclosure formed by the GRC wall panels, these floor panels may be considered the roof. The amendment does not change the scope of the claim.

35 USC §102(b) rejections:

The Office has rejected Claims 10 and 11 under 35 USC §102(b) as being anticipated by Saebi. The Office states that each element of Claims 10 and 11 are disclosed in the Saebi patent. Specifically, the Office states that Saebi discloses a form kit assembly comprising a plurality of GRC forms 24 or 52 having a plurality of open cavities, reinforcement structure 25 for insertion within the plurality of cavities (Figs. 23-29), and instructions for assembling from CAD. Applicant respectfully traverses.

Applicant has amended Claim 10 to clarify that the GRC forms are pre-cast and that the pre-cast GRC forms are wall panels and floor panels.

Saebi discloses a building structure that comprises a plurality of foam sections 24 (See Figs. 21-24) such as expanded polystyrene (EPS) that may be coated with a GFRC strengthening coat either after a few sections are joined, or after the foam structure is fully in place (Saebi, column 5, lines 54-59). The foam sections have a plurality of open cavities (Figs. 21-29) configured to receive foam dowels 25 (Figs. 26-29) coated with GFRC (Saebi, column 7, line 37). Saebi discloses the use of a GFRC coating on the dowels and over the foam sections as a strengthening coat. Each foam slice may include a cavity, but no where in Saebi is there disclosed the use of reinforcing rods positioned within the cavities or the filling of the cavities with concrete to provide a structural skeleton to support the foam slices. It is the foam slices that are the skeleton used to support the GFRC coating.

Applicant's permanent form kit for a building assembly includes a plurality of pre-cast GRC forms, which have or are configured to form a plurality of open cavities for

receiving poured concrete and optional steel reinforcement bars. The poured concrete in the plurality of open cavities in Applicant's invention provides the skeletal support structure to support the pre-cast GRC forms. The Saebi foam sections, however, are the support structure to support a coating of GFRC. Further, the Saebi sections are made of EPS foam while Applicant's forms are made of pre-cast GRC material (Applicant's disclosure, para. [0016]) and claimed as such in independent Claim 10.

The Office has further mischaracterized the Saebi dowels 25 as reinforcement structure. The dowels disclosed in Saebi are used only to assist an alignment of the foam sections between floors. The dowels are inserted into the open ends of the foam sections. (See Saebi, column 7, lines 31-33; column 8, lines 26-27). The Saebi patent discloses that applying a strengthening coating such as GFRC or increasing thickness of the foam core could be used to strengthen the building structure, not the dowels. (See Saebi, column 5, lines 33-38 and 52-54; column 7, lines 41-45; column 16, lines 58-64). Furthermore, as evidenced by Figs. 21 and 27, the dowels 25 of Saebi are significantly shorter than the foam sections they align.

In contrast, reinforcement structures 50, 52, and 61 referenced by the Applicant and illustrated in Figs. 2, 3, 4, and 5 are substantially the same length as the cavity formed by the GRC forms. Applicant's building assembly requires that the reinforcement structure be inserted into the open cavities of the GRC forms at the time of assembly in order to add additional strength to the poured concrete disposed within the open cavities of Applicant's pre-cast GRC forms.

Where the dowels 25 in Saebi and referred to by the Office as reinforcement structure are not disclosed as such and because their purpose and relative length differs from the reinforcement structure described in Applicant's disclosure and claimed by Applicant in independent Claim 10, Saebi cannot anticipate Applicant's amended independent Claim 10.

In light of the above amendments and arguments, Applicant respectfully submits that the 35 U.S.C. § 102(b) rejection of Claims 10 and 11 has been successfully traversed. Allowance of these claims is therefore requested.

35 USC §103(a) rejections:

The Office has rejected Claim 12 under 35 USC §103(a) as being unpatentable over Aschauer in view of Saebi. The Office states that Aschauer discloses Applicant's basic inventive concept with the exception of using the GRC and Saebi discloses the material of construction being GRC. The Office concludes that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ GRC material in order to strengthen the building structure of Aschauer with the teaching of Saebi. Applicants respectfully traverse.

Applicant has amended Claim 12 to include limitations that the one or more GRC forms has at least a flange configured to form at least one channel, that enclosing of the channel does not involve the use of any temporary structures, and that concrete is disposed only after the channel is formed. Support for the amendment can be found in Applicant's disclosure in Figs. 3, 4, 5, 6, and 10, and in paragraphs [0039], [0040],

[0041], [0042], [0044], and [0048].

Aschauer discloses use of pre-cast wall blocks 20-22 and concrete posts 40, 40a in building construction. The pre-cast wall blocks 20-22 are structured to form four-walled pockets for the corner posts 40a and three-walled pockets for the intermediate posts 40. In order for an intermediate post 40 to be formed, the corresponding intermediate pocket has to be completed. Accordingly, Aschauer teaches that a board should be temporarily placed at the inner side of the pocket. (See Aschauer, page 2 of the description, lines 36-40). After the post is formed the board must be removed.

Applicant's GRC forms are configured to form a channel when they are assembled together. However, unlike Aschauer's invention, use of Applicant's invention does not require a temporary structure (a board) in order to enclose the channel for receiving poured concrete. In fact, in those embodiments where Applicant uses a panel to enclose the channel, the panel is also a pre-cast GRC panel so that it becomes part of the permanent structure. Applicant's amended claim claims a channel formed without using a temporary structure to enclose the channel, which implies no structure removal is required after forming the column. This provides for reduction in costs related to removing, storing, and caring for the temporary structures used in building construction. Accordingly, because Aschauer emphasizes that the board is used only temporarily in order to form a pocket for an intermediate post and does not discuss any disadvantages of having to use a board, there is no teaching or suggestion in Aschauer to use anything other than a temporary board.

Saebi, on the other hand, teaches that GFRC could be used in building

construction but not as pre-cast panels structured to form channels that are subsequently filled after assembly with concrete. Saebi teaches the use of GFRC as a coating over EPS panels. Aschauer in combination with Saebi also does not provide one of ordinary skill in the art with the required teaching, suggestion or motivation to modify Aschauer invention in the way claimed by Applicant. Thus, neither Aschauer alone or in combination with Saebi render Applicant's claimed invention obvious.

In light of the above amendments and arguments, Applicant respectfully submit that 35 U.S.C §103(a) rejection of Claim 12 has been successfully traversed. Allowance of this claim is therefore requested.

CONCLUSION

Applicant respectfully submits that the amendments to the pending claims and the arguments presented herein successfully traverse the 35 U.S.C. § 102(b) rejection of Claims 10 and 11 as being anticipated by Saebi, and the 35 U.S.C. § 103(a) rejection of Claim 12 as being unpatentable over Aschauer in view of Saebi.

Applicant believes that all of the pending claims should now be in condition for allowance. Early and favorable action is respectfully requested.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,



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